

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

In re:

MAKO PRODUCTS, INC.,

Case No.: 3:12-bk-06572-JAF

Debtor.

Chapter 7

OBJECTION TO CLAIM #5-1 OF DAVID GROBER

NOTICE OF OPPORTUNITY TO OBJECT AND FOR HEARING

Pursuant to Local Rule 2002-4, the Court will consider this matter without further notice or hearing unless a party in interest files an objection within thirty (30) days from the date this paper is entered on the docket. If you object to the relief requested in this paper, you must file your objection with the Clerk of the Court at 300 North Hogan Street, Suite 3-350, Jacksonville, Florida 32202, and serve a copy on Jacob A. Brown, Esq., Akerman Senterfitt, 50 North Laura Street, Suite 3100, Jacksonville, FL 32202; Gregory L. Atwater, Chapter 7 Trustee, P.O. Box 1865, Orange Park, FL 32073; and U.S. Trustee, 400 West Washington Street, Suite 1100, Orlando, FL 32801.

If you file and serve an objection within the time permitted, the Court will schedule a hearing and you will be notified. If you do not file an objection within the time permitted, the Court will consider that you do not oppose the granting of the relief requested in the paper, will proceed to consider the paper without further notice or hearing, and may grant the relief requested.

Gregory L. Atwater, Chapter 7 Trustee (the "Trustee"), by and through his undersigned counsel and pursuant to 11 U.S.C. § 502 and Rule 3007, Federal Rules of Bankruptcy Procedure, hereby objects to Claim #5-1 of David Grober ("Grober"), and says in support thereof:

1. On January 22, 2013, Grober filed his Proof of Claim as an unsecured claim in the amount of \$4,050,000.00, based upon goods, patent use & infringement ("Claim No. 5-1").

2. The Debtor's schedules reflect that any claim of Grober is contingent, unliquidated and disputed.

3. Grober provides no legal or factual bases to substantiate Claim No. 5-1.

4. On January 22, 2013, Voice International, Inc. ("Voice International") filed its second amended Claim ("Claim No. 4-3"), wherein Voice International claimed an unsecured amount of \$4,050,000.00, and a secured amount of \$20,000.00, based upon the Patent Infringement Case.

5. Grober's claim appears to be duplicative of Claim No. 4-3 filed by Voice International.

6. On April 19, 2013, the Trustee filed his Motion for Order Setting for Auction (Doc. 22) (the "Motion to Set Auction") and Response in Opposition to Plaintiffs' Motion to Prevent the Sale of Evidence and Creditor's Motion for Temporary Injunction (Doc. 21) (the "Response"). The statements contained in the Motion to Set Auction and the Response are incorporated by reference herein.

7. In light of the foregoing, Claim No. 5-1 should be disallowed in its entirety.

WHEREFORE, Gregory L. Atwater, Chapter 7 Trustee, respectfully requests the Court enter an order (i) sustaining this Objection, (ii) disallowing Claim No. 5-1 in its entirety, and (iii) granting such other and further relief as the Court deems just and proper.

Dated: May 1, 2013.

AKERMAN SENTERFITT

By: /s/ Jacob A. Brown

Jacob A. Brown

Florida Bar No.: 0170038

Email: jacob.brown@akerman.com

50 North Laura Street, Suite 3100

Jacksonville, FL 32202

Telephone: (904) 798-3700

Facsimile: (904) 798-3730

Attorneys for Gregory L. Atwater, Chapter 7
Trustee

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished either by electronic notification or by United States mail, postage prepaid and properly addressed, this 1st day of May, 2013, to:

Mako Products, Inc.
10197 SE 144th Place
Summerfield, FL 34491

Nina M. LaFleur, Esq.
P.O. Box 861128
St. Augustine, FL 32086-1128

Gregory L. Atwater, Chapter 7 Trustee
P.O. Box 1865
Orange Park, FL 32073

United States Trustee
400 West Washington Street, Suite 1100
Orlando, FL 32801

Edwin P. Tarver, Esq.
Lauson & Tarver LLP
880 Apollo St., Ste 301
El Segundo, CA 90245

David Grober
616 Venice Blvd.
Venice, CA 90291

Sean Flaherty, Esq.
Coast Law Group LLP
1140 South Coast Highway 101
Encinitas, California 92024

/s/ Jacob A. Brown
Attorney